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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,774	01/26/2001	Robert W. Monster	109888-130232	4885

25943 7590 11/17/2004

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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT PAPER NUMBER

2654

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,774

Applicant(s)

MONSTER, ROBERT W.

Examiner

Patrick N. Edouard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/26/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-52 rejected under 35 U.S.C. 103(a) as being unpatentable over over Abelow (WO 94/03865).

(A) As per claim 1, Abelow teaches a method for creating a multi-region market research study, the method comprising (Abelow; abstract, pages 1-3, & 15-17), comprising:

providing on-line definition of the multi-region market research study including providing for on-line selection of one or more regions to conduct the study" (Abelow; pages 2-7, 42-43, & 93-95);

notifying or more translation services to translate study elements of the multi-region market research expressed in an original language into one or more target languages (Abelow; pages 49-50; and figs. 10A-10B);

providing on-line check for the translated study elements (the Customer Design Instruments are established on-line ;Abelow; pages 35-44 & 93-95).

Abelow does not disclose the providing of on-line status monitoring for the translations. However, since Abelow is clearly directed to facilitate proper and culturally appropriate translations (Abelow; pages 49-50; and figs. 10A-10B), one having ordinary

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skill in the art would have found it obvious to implement the on-line status monitoring of translations within the Abelow system, with the motivation of ensuring accurate market survey results by verifying that the best translation are provided when other languages are selected (Abelow; pages 3 & 93-95).

(B) As per claims 2, 4-7, note pages 3, 35-40, 93-95, and 102 of Abelow, wherein Abelow teaches:

selecting regions in which to conduct market studies on-line; (pages 35-44);

notifying of the one or more translation services are automatically performed in response to the definition of the study (pages 49-50);

wherein said providing of on-line check in for translated study elements.. study questions, study pick lists, and study concepts (Abelow; on-line selection, maintenance, storage, and tracking of Customer Design Instruments (CDI));

on-line selection of translations and display a summary report (pages 49-50).

© As per claim 3, Abelow teaches the claimed invention but does not explicitly teach the step of providing of real time cost estimate. However, it is respectfully submitted that it is well known that companies expend & invest considerable money to research consumer feedback on the products and services generated by that company (Abelow; pages 2-3). As such, the skilled artisan would have found it obvious to provide real time cost estimates for a market research survey, with the motivation of providing time and dollar savings for such an undertaking (Abelow; page 48).

(C) Claims 8-21 and 43-47 recites the various limitations of claims 1-7 in different combinations, and are therefore obvious for the same reasons given above for claims 1-7.

(D) Apparatus claims 22-42 and 48-52 recite the features of method claims 1-21 and 43-47 as a series of functions stored on a storage medium coupled to one or more processor. Since Abelow clearly teaches the underlying process steps, it is readily apparent that Abelow discloses the apparatus elements required to perform such steps, especially since the Abelow system is embodied as an a network of programmed computers having specific software (Abelow; pages 90-95).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is 7033086725. The examiner can normally be reached on T-F 7:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 703 3059645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick N. Edouard

November 12, 2004



PATRICK N. EDOUARD
PRIMARY EXAMINER